



REQUEST FOR QUALIFICATIONS

291 River Bridge Design-Build Project Jackson County, MO

Project Number:	J4P3471
RFQ Issued:	May 5, 2026
SOQs Due:	June 5, 2026

Missouri Department of Transportation
600 NE Colbern Rd
Lee's Summit, MO 64086
EMAIL: MO291RiverBridge@modot.mo.gov



Addenda	Date	
1	5-15-2026	Revisions: Section 3.5 – Update to Design Manager requirements Section 6.8 – Update to OJT Goals Form DB-102 – Update to form content
2	5-29-2026	Revisions: Updated ineligible firms
		Revisions:
		Revisions:



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FORMS

- Form DB-101 – Major Participant Information
Form DB-102 – Reference Project Summary
Form DB-103 – Resume Summary
Form DB-104 – Receipt of Addenda
Form DB-105 – Conflict of Interest
Form DB-107 – Requests for Clarification – RFQ Phase
Form DB-110 – Commitment of Key Personnel
Form DB-802 – Debarment, Suspension, Ineligibility, and Voluntary Exclusion Certificate

1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the 291 River Bridge Project (Project), located in Jackson County in the Kansas City District. This Project involves the MO-291 northbound bridge (L0568) and southbound bridge (A4757) and is designated as Job No. J4P3471.



[Missouri Route 291 Bridge over the Missouri River in Jackson County](#)

1.1 Project Description

Missouri Route 291 is a 49-mile, loop highway in the Kansas City area, running from I-49/U.S. 71 in Harrisonville north to I-435 in Kansas City, serving as a vital corridor through the towns of Lee's Summit, Independence, and Liberty. The MO-291 crossing of the Missouri River located in Sugar Creek, MO, consists of two bridges – a northbound bridge, known as the Liberty Bend Bridge (No. L0568), built in 1949, and the southbound bridge (No. A4757) built in 2001. The anticipated scope of this project is to remove and replace the northbound bridge and rehabilitate the southbound bridge. In accordance with the National Environmental Policy Act, a CE2 Categorical Exclusion classification has been approved for the Project study area.

The successful Proposer will be responsible for management, design, construction, quality assurance, and quality control of the project. Co-location of the Proposer and MoDOT Design-Build staff will be required for this Project.

1.2 Project Goals

The following prioritized goals have been established for the Project:

1. Deliver the Project within the program budget to complete the Project no later than December 1, 2029.
2. Deliver safe and durable infrastructure that includes a Missouri River bridge that provides a century of service and considers future maintenance of the corridor.
3. Minimize construction impacts and maximize work zone safety to customers and workers.
4. Create opportunities to invest in and enhance the community.

1.3 Estimated Cost and Maximum Time Allowed

The total Project programmed budget is \$111.3 million, including the design-build contract, MoDOT contract administration costs, Right of Way acquisition costs, Utility reimbursements, Stipend payments, and other miscellaneous project management expenses. The estimated fixed-cost design-build contract budget is \$92.2 million. The Project must be completed by December 1, 2029.

2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS

2.1 Two-Phased Design-Build Procurement Process

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of a Statement of Qualifications (SOQ), that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will shortlist at least two (if any) but not more than five most qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the shortlisted Submitters. Only the shortlisted Submitters will be eligible to submit proposals for the Project. Each shortlisted Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a design-build contract (if any) for the Project to the Proposer offering the best value, to be determined as described in the RFP.

2.2 Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter. MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization. MoDOT may disqualify a Submitter that violates the DBE exclusivity referred to in Section 6.9.

2.3 Procurement Schedule

Item	Date
RFQ Issued	May 5, 2026
Deadline for submitting RFQ questions	May 22, 2026
Final responses to questions posted & Final RFQ Addendum issued	May 29, 2026
SOQ due	June 5, 2026 (10:00 a.m. CDT)
MoDOT notifies shortlisted Submitters	June 18, 2026
RFP Issuance	July 6, 2026
Final Proposal and Price Allocation due	October 30, 2026
Selection of Apparent Best Value	December 2, 2026

3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ and addresses the evaluation process that MoDOT will utilize.

3.1 Organization of SOQ

The SOQ shall be organized as follows:

- Cover Letter
- Title Page
- Table of Contents
- Part 1 – Administrative Elements (Pass/Fail)
- Part 2 – Submitter Experience (60 Points)
- Part 3 – Key Personnel and Organization (40 Points)

3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members shall include the design and contractor team, with name of the entity with whom MoDOT will be contracting, and identify if the entity will be a partnership, corporation, joint venture, etc. If a joint venture, the name of the person who has authority to sign the contract on behalf of the joint venture shall be provided. The primary contact name, mailing address, phone number, and e-mail address for the contacting entity shall be provided.

3.3 Part 1 – Administrative Elements (Pass/Fail)

Submittal Requirements:

- Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- Form DB-104: Receipt of Addenda
- Form DB-105: Conflict of Interest (including a letter describing such conflicts if they exist)
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Evaluation Criteria:

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

3.4 Part 2 – Submitter Experience (60 Points)

Submittal Requirements:

- An executive summary not to exceed four (4) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas:
 - **Design:** The Submitter shall provide specific examples of their relevant experience with the design of major river bridge replacements and rehabilitations. Submitter should demonstrate their ability to generate and incorporate innovative ideas, be on or ahead of schedule, not exceed the program budget, and resolve challenges. Describe previous experience with design of bridges over navigable waterways including considerations for mitigating challenges related to geotechnical conditions, hydraulics, scour analysis, maintenance of traffic, public communication, and environmental permitting. Details of the submitter's ability to collaborate design reviews with the builders and owners shall also be provided.
 - **Construction:** The Submitter shall provide specific examples of their recent and relevant experience with the safe construction of river bridge crossings. The Submitter shall showcase the ability to generate and implement innovative and practical ideas to deliver easily maintainable structures, working diligently to minimize motorist impacts, and accounting for the needs of and working with the local community. The Submitter should also include relevant information on addressing unexpected challenges including market fluctuations and river elevations. The Submitter is encouraged to showcase past partnerships with owners that resulted in quality-built projects.
 - **Approach to Ensuring Safety:** The summary shall include every major participant's safety record including DART rates (Day Away, Restricted, and Transfer) and TRIR (Total Recordable Incident Rate), lost time incidents, OSHA recordables, and fatalities in the last five (5) years, and examples of successfully implemented Safety Management Programs or innovations. The Submitter should expand on safety experience working on rivers. Provide examples of innovative techniques previously used for safety of motorists and workers in work zones. Discuss the team's approach for developing and maintaining the Maintenance of Traffic Plan.
 - **Quality Management Program:** Expectations of delivering a bridge that will provide a century of service requires exceptional quality management. Identify specific examples of your quality programs for previous projects that demonstrate your ability to develop, implement, and maintain a Quality Management Program throughout all phases of the project. Provide recent and relevant examples of the successful implementation of a Quality Control/Quality Assessment (QC/QA) program that includes management of both QC and QA aspects of inspection and testing on projects. Provide a summary of how effective the program(s) was and the results.
 - **Regulatory Agencies including the United States Army Corps of Engineers (USACE) and United States Coast Guard (USCG) and Utility Interaction:** Describe previous efforts to mitigate impacts to and work

successfully with the applicable regulatory authorities and utility companies.

- **DBE Utilization:** Describe how the Submitter intends to utilize DBEs on the Project. The DBE participation goals are anticipated to be 0% construction activities and 0% professional services. The Submitter should provide examples of past performance.
- **Community Engagement and Workforce Development:** Describe how the Submitter has engaged with the local community on similar projects during design development and construction. Describe how the Submitter will bring new people into the transportation industry, including STEM professionals and construction tradespeople. Efforts should focus on working with community groups such as unions, trade schools, high schools, and local workforce organizations to remove barriers to entry into STEM and construction fields and develop new talent. Provide specific examples of past performance.
- **Form DB-102: Reference Project Summary.** One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two (2) pages. A maximum of six (6) reference projects can be described for each Submitter. At least four (4) of the submitted reference projects shall have been completed by the construction contractor. For ease of comparison, this form is not to be modified.

Evaluation Criteria:

Part 2 will be evaluated based on Submitter's demonstrated performance on recent and relevant projects and the quality and completeness of the submittal requirements for this section. MoDOT will evaluate the Submitter's experience based on:

- Use of innovative approaches to deliver a project within budget, such as value engineering change proposals, additional applicable standards, alternative technical concepts, etc.
- Experience with deep foundation design and construction.
- Recent experience delivering projects on schedule or ahead of schedule.
- Recent experience delivering major bridge replacements over navigable waterways.
- Approach to developing a QC/QA program for the Project. Understanding of the Quality Management Program and how it will be implemented during all phases. Previous experience with timeliness and accuracy of quality documentation.
- Approach of the team members to collaborate with owners to resolve unexpected challenges encountered during similar projects.
- Mitigate construction impacts to customers and businesses.
- Experience in coordinating utility accommodations.
- Experience in working with regulatory authorities associated with major river crossings, specifically the U.S. Coast Guard, U.S. Army Corps of Engineers, and levee Districts. Describe past experiences of strategies used to obtain permits.

- Experience in enhancing roadway safety using a data driven safety approach.
- Recent safety history and company safety results on similar equally complex projects
- Implementation of innovative traffic handling plans on project to minimize and mitigate construction impacts to customers.
- Past performance for both construction and professional services on projects meeting or exceeding DBE goals.
- Implementation of innovative approaches to engage and develop the workforce in the local community through programs, training, or other outreach efforts.

3.5 Part 3 – Key Personnel and Organization (40 Points)

Each Submitter shall identify the experience, responsibilities and past achievements of the Key Personnel listed below.

Key Personnel identified in the SOQ may not be removed, replaced, or added without written approval of the MoDOT Project Director.

Submitters should define the following positions as Key Personnel:

- **Project Manager** – The Project Manager is responsible for all aspects of the Project including, but not limited to, safety, overall design, construction, quality management, contract administration, DBE, workforce development and environmental compliance. The Project Manager should have at least six (6) years of recent and relevant experience managing large-scale complex projects for which they were responsible to ensure all the items mentioned above were successfully completed and the project delivered on time and budget. The Project Manager will also need to demonstrate an ability to partner with MoDOT, develop mutual goals, and work together to resolve issues. The Project Manager shall have full authority to make final decisions on behalf of the Submitters and have responsibility for communicating these decisions directly to MoDOT's Project Director. The Project Manager shall be assigned to the Project for the duration of the Project.
- **Quality Manager** – The Quality Manager's responsibilities include, but are not limited to, creation and execution of the Submitter's quality program, quality personnel and team structure, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records. Such records include documentation for design, construction quality and testing, environmental compliance, erosion control, and Contract compliance. The Quality Manager should have at least five (5) years of recent experience developing, implementing, and overseeing quality programs on heavy civil construction work as well as document control. The Quality Manager shall report directly to the Submitter's executive management team. The Quality Manager shall not be the Project Manager. The Quality Manager shall be assigned to the Project and oversee the quality program for all construction activities.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met. The Design Manager should have at least five (5) years of in-depth and recent experience managing the design of highways and bridges, specifically major river bridge replacements on major highway systems.



The Design Manager should showcase previous experience designing structures that can be easily maintained through the life of the structure. The Design Manager shall be a registered professional engineer in the State of Missouri **or must have registration pending at the time of SOQ submittal and be licensed for the duration of the project.** During construction, the Design Manager shall be readily available for on-site consultation.

- **Construction Manager** – The Construction Manager shall be responsible for managing the construction of the Project. The Construction Manager should have at least five (5) years of in-depth and recent experience managing the construction of highways and bridges, specifically major river bridge replacements and long-term bridge rehabilitations on major highway systems. The Construction Manager shall be assigned to the Project and readily available for the duration of the construction phase.

Submittal Requirements:

- An executive summary of Key Personnel not to exceed three (3) pages describing the Key Personnel's qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of highway projects, managing concurrent projects in different areas, cost-saving innovations, and delivering projects on or ahead of schedule.
- An organizational chart not to exceed one (1) page.
- Form DB-103: Resume Summary
- Form DB-110: Commitment of Key Personnel
- Resumes for the Key Personnel are to be included. Each resume is limited to one (1) page and shall include two (2) owner references with contact names and phone numbers. MoDOT reserves the right to contact references identified in the resumes.

Evaluation Criteria:

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter's experience based on:

- Design and construction of large bridges over a river for a major highway.
- Experience and approach for maximizing and ensuring safety on a project.
- Use of innovative approaches to deliver a project within budget.
- Relevance of tasks performed by Key Personnel on resumes for referenced projects.
- Experience and approaches to delivering major bridge replacements and rehabilitation on or ahead of schedule.
- Experience and past approaches of developing a Quality Control team and a Quality Assurance team
- Experience and past approaches of developing a quality management plan including implementation, control of documents, verification of conformance and non-conformance, and non-conformance identification and resolution.
- Experience in public outreach to impacted customers.



- Design and construction of projects over navigable waterways.
- Experience and approach for achieving DBE and workforce diversity goals.
- Experience and approaches to handling utility coordination.

4 SUBMITTAL REQUIREMENTS

4.1 Format

The SOQ must be formatted for an 8.5" x 11" page size. Charts and other graphical information may be formatted for an 11" x 17" page size. Use of an 11" x 17" format shall be limited to a maximum of two (2) pages for entire submittal. The minimum font size is 11-point, however, 10-point text may be used within graphs or tables.

4.2 Due Date and Quantities

SOQ must be submitted by the date and time shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. One (1) electronic copy in PDF format of the RFQ response is to be submitted by email to MO291RiverBridge@modot.mo.gov as shown in Section 6.3 and detailed below. Hard copies will not be accepted.

Submitter's SOQ Email:

Submitters shall email one (1) electronic copy of their respective SOQ, in Portable Document Format (PDF), to MO291RiverBridge@modot.mo.gov.

SOQ Coordinator's Response Email:

The MoDOT SOQ coordinator will provide the Submitter confirmation by email after receiving the Submitter's SOQ submittal.

4.3 Page Limits

The maximum number of pages* is shown in the following table:

Cover Letter	1
Title Page	1
Table of Contents	1
Part 1 – Administrative Elements	
Form DB-101: Major Participant Information	As needed
Form DB-104: Receipt of Addenda	1
Form DB-105: Conflict of Interest	As needed
Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion	As needed
Part 2 – Submitter Experience	
Executive Summary	4
Form DB-102: Reference Project Summary	12
Part 3 – Key Personnel Experience	
Executive Summary	3
Organizational Chart	1
Form DB-103: Resume Summary	1
Form DB-110: Commitment of Key Personnel	8
Resumes	4

*Dividers between sections of the SOQ are not included in page count.

5 EVALUATION PROCESS

All responses shall be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 60 points.

Part 3 will be evaluated based on a possible 40 points.

MoDOT is restricted to shortlisting no more than five (5) proposing teams. The scoring outlined is intentionally crafted to differentiate between many highly qualified teams. MoDOT will use the rating criteria, as described below, to determine a maximum of five (5) most highly qualified teams and/or demonstrated significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the shortlisting process are as follows:

Rating	Description
Exceptional +/- (100-85%)	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/- (84-60%)	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/- (59-20%)	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable (19-0%)	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.

6 GENERAL INFORMATION

6.1 Major Participant Definition

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding an equity interest in the Submitter.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 20% or more of the construction work.
- Each subconsultant that will perform 20% or more of the professional services.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of the MoDOT Project Director. Written requests must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

6.2 Stipend

No stipends will be paid for submitting the SOQ. MoDOT will pay a stipend to the Proposer(s) that provide a fully responsive, but unsuccessful Proposal. The anticipated stipend is \$500,000 and shall be provided to such Proposer(s) as early as 15 days after MoDOT selects the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement (Stipend Release Agreement), releasing their Proposals to receive their stipend, within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to MoDOT.

6.3 Communications

MoDOT's Project Director, James Pflum, is MoDOT's sole contact person for receiving all communications regarding the project and procurement thereof. Each Submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.

James Pflum, P.E.
291 River Bridge Project Director
Missouri Department of Transportation
600 NE Colbern Road
Lee's Summit, MO 64086
MO291RiverBridge@modot.mo.gov

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications

regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities, utility companies, railroads, regulatory agencies, and the general public.

6.4 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted in email to MO291RiverBridge@modot.mo.gov. To be considered, all questions and requests must be received by 2:00 pm, CDT on the date indicated in Section 2.3. Questions, requests for clarification, and responses will be posted on the project web site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project web site:

[Missouri 291 River Bridge Design-Build Project.](#)

6.5 Ineligible Firms

Burns & McDonnell Engineering Company, Inc. and TREKK Design Group, LLC, and UES Professional Services, LLC are acting as the owner's engineer and are therefore ineligible to participate as part of submitting team. A firm is ineligible to submit a proposal, in either a prime or subconsultants' role, if it assists in the development of the scope of work, the RFQ, or the RFP.

6.6 Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

6.7 Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist MoDOT in the preparation of an RFP document are not allowed to participate in a Submitter's team. Submitter must provide to MoDOT, via the DB-105 Conflict of Interest form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

6.8 Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

MoDOT will ensure that in any contract entered into pursuant to this advertisement, business owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.



A goal of **one (1) On-The-Job Training position has been assigned for design services and three (3) OJT positions for construction activities has been assigned.**

6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:
0% construction activities **0%** professional services

To ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1, or with written permission from MoDOT's Project Director.

It is the policy of MoDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms will need to be certified with MRCC. The MRCC DBE Directory is at the following web site:

<https://www.modot.org/dbe-program>

7 PROTEST PROCEDURES

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within five (5) calendar days after the earliest of notification of non-responsiveness or the public announcement of shortlisting. Notice of protest of the decision on shortlisting must be filed within five (5) calendar days after the public announcement of shortlisting.

Within seven (7) calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to the MoDOT Project Director and other Submitter(s), a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, a statement in support of, or in opposition to, the protest. Such statement must be filed within seven (7) calendar days after the protesting Submitter files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of MoDOT, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Submitter or MoDOT. The Director of MoDOT or their designee will issue a written decision regarding the protest within 30 calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of MoDOT or their designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the RFP, MoDOT may proceed with issuance of the RFP before the protest is withdrawn or decided, unless the Director of MoDOT or their designee determines, in their sole discretion, that it is in the public interest to postpone issuance of the RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or their designee concludes that the Submitter filing the protest has established a basis for protest, the Director or their designee will determine

what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications or taking other appropriate actions.

7.1 Costs and Damages

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.